

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

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SNMP RESEARCH, INC. and SNMP	:	Case No. 3:20-cv-00451-CEA-DCP
RESEARCH INTERNATIONAL, INC.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
BROADCOM INC.; BROCADE	:	
COMMUNICATIONS SYSTEMS LLC; and	:	
EXTREME NETWORKS, INC.,	:	
	:	
Defendants.	:	
	:	
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**EXTREME NETWORKS, INC.'S RESPONSE TO SNMP RESEARCH, INC.  
AND SNMP RESEARCH INTERNATIONAL, INC.'S  
MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Extreme Networks, Inc. ("Extreme") respectfully submits this response to SNMP Research, Inc. and SNMP Research International, Inc.'s (together, "SNMPR" or "Plaintiffs") Motion for Leave to File Documents Under Seal (ECF No. 223) (the "Motion") pursuant to procedural requirement number two (2) in this Court's Memorandum and Order Regarding Sealing Confidential Information (ECF No. 11) (the "Sealing Order").

SNMPR's Motion seeks leave to file under seal certain documents attached as exhibits to SNMPR's proposed Amended Complaint (ECF No. 222-1), namely:

- Exhibit A to the proposed Amended Complaint (ECF No. 222-3);
- Exhibit C to the proposed Amended Complaint (ECF No. 222-5); and
- Exhibits D-F to the proposed Amended Complaint (ECF Nos. 222-6–222-8).

Extreme joins Plaintiffs' request that these documents be sealed.

First, with respect to **Exhibit A**—a license agreement between SNMP Research International, Inc. and Brocade Communications Systems, Inc.—Extreme joins in Plaintiffs' request to seal the entire document. Extreme does not have any independent reason to request that the document be sealed, but joins this request because the Court has already previously ordered that this document be sealed on motion by Plaintiffs. (ECF No. 89.)

Second, with respect to **Exhibit C**—a license agreement between SNMP Research International, Inc. and Extreme—Extreme joins in Plaintiffs' request to seal the entire document. Extreme believes Plaintiffs' request is consistent with the Court's willingness to seal in their entirety other licensing agreements between the parties to this case because of the commercially sensitive pricing information contained therein (*see* ECF No. 89).

Finally, Extreme joins Plaintiffs' request to seal **Exhibits D, E, and F** in their entirety, which contain non-public, highly sensitive, and confidential information regarding product pricing and royalty rates. Plaintiffs have sought to seal commercially sensitive pricing information in the past, and the Court has previously granted such motions, finding that "the privacy interests with respect to such pricing information outweigh the public's interest in accessing these records." (*See* ECF No. 89 at 2.) *See also Moore v. Westgate Resorts, Ltd.*, No. 3:18-CV-410-DCLC-HBG, 2020 WL 7017738, at \*1-3 (E.D. Tenn. May 22, 2020) (placing under seal documents containing payment terms and other financial information); *Kentucky v. Marathon Petroleum Co. LP*, No. 3:15-CV-354-DJH-CHL, 2019 WL 4452956, at \*4 (W.D. Ky. Sept. 17, 2019) (agreeing to seal documents described as "contain[ing] sensitive strategy, pricing, volume and other commercial information that, if made available to competitors and the public, would put [the defendants] at a disadvantage in the marketplace"). Extreme joins Plaintiffs' request to fully seal these documents

because Extreme believes that more than 50% of Exhibits D, E, and F contain such commercially sensitive material, in accordance with procedural requirement number three (3) of the Sealing Order.

WHEREFORE, Extreme respectfully requests that the Court grant Plaintiffs' Motion and seal the requested documents.

DATED: December 16, 2022  
New York, New York

Respectfully Submitted,

/s/ Leslie A. Demers

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